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November 21, 2016

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

RE: Notice of Ex Parte Communication, WC Docket Nos. 10-90,
14-58 and 14-259

Dear Secretary Dortch:

On November 17, 2016, the undersigned, along with Jeffrey S. Nordhaus, Executive Vice President, Innovation & Broadband, Empire State Development (“ESD”), and Charles Small, Associate Director of Federal Affairs of the Washington D.C. Office of Governor Andrew Cuomo of New York, had a conference call with Nicholas Degani, Commissioner Ajit Pai’s legal advisor, to discuss New York’s pending Petition for Expedited Waiver in the above-referenced proceedings.

During the call, Mr. Nordhaus stated that a waiver of the competitive bidding rules would dramatically facilitate the deployment of broadband infrastructure to affected communities in New York. Mr. Nordhaus thus argued that the waiver would be consistent with Commissioner Pai’s goals of quickly removing regulatory impediments to the deployment of broadband services in rural communities. Mr. Small noted that grant of the waiver is not controversial as it has received strong bipartisan support and widespread backing from New York carriers (including Verizon), as well as other states. Finally, I argued that good cause exists for grant of the waiver due to the unique circumstances surrounding New York’s broadband funding program.

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Should you have any questions, please do not hesitate to contact the undersigned.

Respectfully submitted,

/s/

John M. Beahn

Counsel to Empire State Development

cc: Nicholas Degani